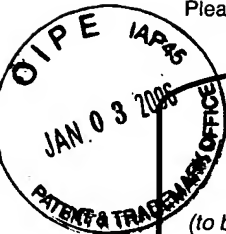


Please type a plus sign (+) inside this box → +

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/733,414
Filing Date	December 12, 2003
Inventor(s)	Caitlyn CURTIN
Group Art Unit	3749
Examiner Name	Stephen Michael Gravini
Attorney Docket Number	3681-000001/US

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims) <input checked="" type="checkbox"/> Appeal Communication to Group (Notice of Appeal, <u>Brief</u> , <u>Reply Brief</u>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):		
<table border="1"><tr><td>Remarks</td><td></td></tr></table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	John E. Curtin	Reg. No.	37,602
Signature					
Date	January 3, 2006				



**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

**Application Number: 10/733,414
Filing Date: December 12, 2003
Appellant: Caitlyn Curtin**

**John E. Curtin
For Appellant**

REPLY BRIEF



Appl. Serial No. 10/733,414
Appeal No. _____

PATENT
3681-000001/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Caitlyn Curtin **Appeal No.** _____
Serial No.: 10/733,414 Group: 3749
Filed: December 12, 2003 Examiner: Stephen Michael Gravini
For: HANDS-FREE HAIR AND BODY DRYER THAT ALLOWS A
WIDE RANGE OF MOTION

REPLY BRIEF

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window Mail Stop Appeal Brief - Patents
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

January 3, 2006

Dear Sir:

In response to the Examiner's Answer dated November 3, 2005 Appellant responds as follows:

The Section 102 Rejections

In essence, the Examiner maintains the position that the claims of the present invention are anticipated by U.S. Patent No. 5,822,870 to Jones ("Jones"). Appellant respectfully disagrees.

In the Examiner's Answer ("Answer"), the Examiner takes the position that Jones "is capable of performing the intended use step [of the claims] since disclosed dryer [in Jones] can be used to dry a surface of a user's body."
(Answer, p.7, lines 2-3)

This is just simply not the case. Rather than repeat the positions the Appellant has set forth in her earlier brief, Appellant simply points out that no

one, whether it be one skilled in the art or one with greater or less skill in the art, upon reading Jones would conclude that the dryer used to dry a motor vehicle could be used to dry a surface of a user's body.

The Examiner attempts to state that the claims are not directed at "the surface drying of a person's body". This is also not the case.

The claims clearly state that they are directed at a dryer that includes, among other things, "a diffuser for allowing air to exit in order to dry a surface of a user's body". The specification also clearly sets forth a dryer which is used to dry a surface of a person's body as well.

In addition, the Examiner chooses to dismiss Jones' explicit statement that it is specifically aimed at oscillation angles that are "limited to [a] much narrower arcuate range" of angles. As such Jones teaches away from the use of a diffuser that allows air to exit in order to dry a surface of a user's body in which a movement means moves the diffuser over a wide range of angles in order to dry different parts of the surface of a user's body, as in the claims of the present invention.

The Section 103 Rejections

Throughout the Examiner's Answer, the Examiner maintains the position that Jones, which is directed at a dryer for a motor vehicle, can be combined with one or more references which are arguably aimed at drying a part of a person's body. As set forth in Appellant's earlier brief, it is the Appellant's position that a combination of Jones with one or more of these references is impermissible because doing so would impermissibly require the principle of operation of Jones or the other references to be modified. That is, either the principle operation of Jones would need to be modified so that its dryer could be used to dry a person's body or one or more of the other references principle of operation would need to be modified so that the dryers disclosed therein could be used to dry a motor vehicle, not a person's body.

In addition, Appellants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Jones with any of the

references because one of ordinary skill would realize that Jones was directed to a motor vehicle drying system while the other references are directed to the drying of a human being.

Conclusion

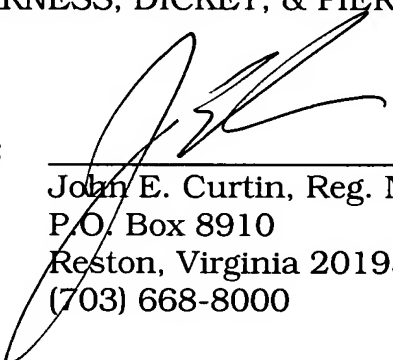
Accordingly, Appellants respectfully requests that the members of the Board reverse each of the decisions of the Examiner and allow claims 1-14.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By:



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:ame